

Carl Andrew Vergari - February 12, 2020

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE:	)	
	)	
CUSTOMS AND TAX ADMINISTRATION OF	)	
THE KINGDOM OF DENMARK	)	CASE NO.
(SKATTEFORVALTNINGEN) TAX REFUND	)	18-MD-2865 (LAK))
SCHEME LITIGATION	)	
	)	
This document relates to case nos.	)	
18-CV-05308; 18-CV-05309; 18-CV-05305;	)	
18-CV-05299; and 18-CV-05300	)	

VIDEOTAPED DEPOSITION UNDER ORAL EXAMINATION OF  
CARL ANDREW VERGARI  
DATE: February 12, 2020

REPORTED BY:  
MICHAEL FRIEDMAN, CCR

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1       C A R L   A N D R E W   V E R G A R I ,  
2               called as a witness, having been first  
3       duly sworn according to law, testifies as follows:  
4  
5  
6

7       EXAMINATION BY MR. WEINSTEIN:

8           Q     Good morning, Mr. Vergari.  
9       Throughout the day today, I'll be asking you  
10      questions. Mike here will be taking it down  
11      on the stenographic record.

12                Because of that, we ask that you  
13      verbalize any answers as opposed to nodding  
14      or any other form of communication.

15           A     Okay.

16           Q     If you don't understand a question  
17      or you didn't quite hear it, just ask us and  
18      we can read it back or try again.

19           A     Okay.

20           Q     The goal will be to take a break  
21      around every hour to hour, 15 minutes. But  
22      if you need to take a break before that for  
23      some reason, just let us know and we'll  
24      accommodate.

25                We just ask that if I've asked you

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1 77?

2 A Correct.

3 Q Okay. What was your understanding  
4 of where the money was sent by Denmark for  
5 the claims that were put in on your plan's  
6 behalf?

7 A I was -- to my understanding, it  
8 was being sent to Solo on behalf of my plan  
9 or the others.

10 Q Okay. And let's just stick with  
11 your plan, okay, for the moment?

12 A Sure.

13 Q Once the money that Denmark paid on  
14 these refund claims was sent to Solo Capital,  
15 what did you understand was done with that  
16 money?

17 A I'm not sure. I was under the  
18 impression that I was just going to get paid,  
19 to me, at some point.

20 Q Was your -- what was that  
21 impression based on?

22 A What they had told me, the group,  
23 or -- yeah, our group, the Tradition group.

24 Q So who told you that?

25 A I can't remember. No one in

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1 particular, just -- probably Danny Fletcher  
2 at some point said that we were going to get  
3 paid out.

4 Q Did Mr. Fletcher tell you how you  
5 were going to be paid out?

6 A No.

7 Q Did you have an  
8 understanding -- before receiving any money,  
9 did you have an understanding of what  
10 percentage of any money that had been  
11 generated would come to you?

12 A No.

13 Q I'm going to hand you a document to  
14 be marked as Exhibit 78.

15 (Whereupon the above mentioned was  
16 marked for Identification.)

17 Q Exhibit 78 appears to be a one-page  
18 account statement from Solo Capital for the  
19 NYCATX Plan. It has a Bates number  
20 NYCATAX 106.

21 Have you seen this document before?

22 A (Witness reviewing.)

23 No, I haven't.

24 Q I gather you personally did not  
25 produce it for purposes of this litigation?

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1 Q Prior to receiving the money, did  
2 you know it was coming?

3 A I don't remember. I don't believe  
4 so.

5 Q So no one gave you a head's up?

6 A Danny -- Mr. Fletcher might have,  
7 yeah, but nothing specific.

8 Q Do you recall anything about that  
9 conversation?

10 A I think, at one point, he just  
11 said, "Keep a look out for your distribution  
12 cut."

13 Q Do you know how Mr. Fletcher knew  
14 you were going to be getting a distribution?

15 A I was under the impression he was  
16 the one who paid us.

17 Q Okay. What gave you that  
18 impression?

19 A Well, we originally were told that,  
20 again, Mike -- I don't remember his last  
21 name -- was initially in charge of  
22 distributing proceeds to us, that he was  
23 not -- again, from what I was told, not  
24 holding up his end of that bargain.

25 And then Mr. Fletcher was appointed

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1 to be the point man, for lack of a better  
2 term.

3 Q How did you find out that Mike was  
4 not holding up his end of the bargain?

5 A It was told to me by either Matt or  
6 Fletch.

7 Q "Matt" being Mr. Tucci?

8 A Yes.

9 Q It states on the statement that  
10 it's a wire transfer from Schmet,  
11 S-C-H-M-E-T, Investments, Limited."

12 Do you know what that entity is?

13 A No, I don't.

14 Q Do you know who is associated with  
15 it?

16 A No, I don't.

17 Q Do you know why you received  
18 \$10,000 from Schmet Investments?

19 A It was part of -- what I was told,  
20 that was one of the payouts to me from the  
21 plan.

22 Q But you don't know why you received  
23 it from this particular entity?

24 A No, I don't.

25 Q Do you know if Mr. Fletcher had any